

1 the prisoner shows, at least, that jurists of
2 reason would find it debatable whether the
3 petition states a valid claim of the denial of
4 a constitutional right and that jurists of
5 reason would find it debatable whether the
6 district court was correct in its procedural
7 ruling.

8 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see also *James v.*
9 *Giles*, 221 F.3d 1074, 1077-79 (9th Cir. 2000). The Supreme Court
10 further illuminated the standard for issuance of a certificate of
11 appealability in *Miller-El v. Cockrell*, 537 U.S. 322 (2003). The
12 Court stated in that case:

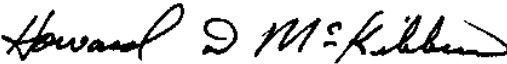
13 We do not require petitioner to prove, before
14 the issuance of a COA, that some jurists would
15 grant the petition for habeas corpus. Indeed,
16 a claim can be debatable even though every
17 jurist of reason might agree, after the COA has
18 been granted and the case has received full
19 consideration, that petitioner will not
20 prevail. As we stated in *Slack*, "[w]here a
21 district court has rejected the constitutional
22 claims on the merits, the showing required to
23 satisfy § 2253(c) is straightforward: The
24 petitioner must demonstrate that reasonable
25 jurists would find the district court's
26 assessment of the constitutional claims
27 debatable or wrong."

28 *Miller-El*, 537 U.S. at 338 (quoting *Slack*, 529 U.S. at 484).

29 The court has considered the issues raised by defendant with
30 respect to whether they satisfy the standard for issuance of a
31 certificate of appeal and determines that none meet that standard.
32 This court therefore **DENIES** defendant a certificate of
33 appealability.

34 IT IS SO ORDERED.

35 DATED: This 26th day of March, 2014.

36 

37 UNITED STATES DISTRICT JUDGE
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